

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF LEWIS SANITATION) CASE NO.
COMPANY, INC. D/B/A GARDEN HEIGHTS) 2017-00045
SEWER DIVISION TO FILE REQUIRED
REPORTS

ORDER

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. 807 KAR 5:006, Section 4(2), requires every utility to file with the Commission, on or before March 31 of each year, a financial and statistical report ("annual report") of its utility operations for the preceding calendar year on forms furnished by the Commission. KRS 278.990 provides penalties for utilities that fail to file the required reports.

Lewis Sanitation Company, Inc. d/b/a Garden Heights Sewer Division ("Garden Heights") owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which are used for and in connection with the collection, transmission, or treatment of sewage for the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.¹

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or any Commission regulation shall be subject to a civil penalty not less than \$25.00 and not more than \$2,500.00.

¹ KRS 278.010(3)(f).

On January 13, 2016, the Commission provided to Garden Heights an electronic link to the standard form for the annual financial and statistical report. According to Commission records, Garden Heights filed its annual report for the 2015 calendar year on January 23, 2017. The failure to file this report by March 31, 2016, is *prima facie* evidence that Garden Heights willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that Garden Heights shall appear on March 28, 2017, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of showing cause why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with 278.230(3).

By the Commission

ENTERED
FEB 06 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

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Lewis Sanitation Company, Inc. d/b/a Garden
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Owensboro, KY 42301

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